

## **REMARKS**

The Office Action dated October 5, 2006, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1, 2 and 5 – 25 are pending. Claims 3 and 4 are being canceled and incorporated in their entirety into Claim 1. The reference numerals in the claims are being removed. New Claim 23 contains substantially all features recited by claim 1 as filed plus an extractor hood positioned in front of the nozzles. Support for this claim may be found in original claim 1 and the specification (see, in particular, page 9, lines 10-13 and figures 1 and 2). The presence of the extractor hood in front of the nozzles is sufficient “to promote the regular emission of jets 16b, 17b of the mixtures 18, 19 directed onto the supporting element 11”. New Claim 24 depends on claim 23 and further contains the features added to claim 1. New Claim 25 contains all limitation of Claim 11 and all limitations of the base claim (original claim 1) and intervening claims (original claims 6 and 9). Claims 16 – 21 stand withdrawn. Claims 11 and 22 were indicated to be allowable if rewritten into independent form. The Specification is being corrected to remove references to specific claims. No new matter has been added.

Claims 1, 3, 6, 9, 10, and 12 were rejected under 35 U.S.C. 102(b) as anticipated or in the alternative under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,387,621 to Soldani (hereinafter Soldani). Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Soldani. Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Soldani further in view of U.S. Patent No. 6,16,723 to Cline et al

(hereinafter Cline). Claims 7, 8, and 13 – 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Soldani further in view of U.S. Patent No. 6,709,455 to Chouinard (hereinafter Chouinard).

Soldani discloses a machine comprising two nozzles for spraying fluid substances on a mandrel, on which the fluid substances build up, the mandrel and the nozzles being mobile relative to one another for substantially even distribution of the fluid substances designed to form the membrane. A chamber connected to a glass reservoir for an unstable polymer solution or a non-solvent and to a compressed nitrogen tank is provided for each nozzle.

With reference to Claim 1, Soldani does not disclose two pumps, each of which is located between a respective mixer means and the nozzles.

Moreover, Soldani clearly does not disclose that the machine comprises a mixer means connected to reserves of components of the porous membrane. The mixing chambers of Soldani (see column 6, lines 18-22) are connected, each, only to a respective glass reservoir. Nitrogen is not a component of the porous membrane but is a pressurizing gas for propelling the mixtures; the components of the mixtures correspond only to the list of compounds disclosed in column 5 of Soldani. The glass reservoirs do not contain the components themselves. On the other hand, the first reservoir contains only the non-solvent and the second reservoir unavoidably a mixture of the basic components. Therefore, Soldani does not disclose reserves for the basic components of the mixture; and the “mixing chamber” is not a mixing means within the meaning of the patent application in issue since it does not really mix the components received from the

reserves. In the mixing chamber, only the nitrogen is added to an already prepared mixture. Reading Soldani, the skilled person would understand that the components are mixed, for example by an operator, outside the machine so as to obtain a mixture ("polymer solution") which is, thereafter, placed in the glass reservoir.

With reference to Claim 23, Soldani does not disclose a hood positioned in front of the nozzles.

Consequently, clear differences exist between the present invention as claimed in claims 1 and 23 and Soldani such that the invention as claimed is not anticipated and would not have been obvious over Soldani.

Cline discloses a machine comprising a nozzle for spraying fluid substances on a scale, on which the fluid substances build up, a mixer tube 51, a plurality of vats 2 and 4, each of which holds a fluid that is a constituent material of the desired final product, and pumps 34 and 36 located between the vats and the mixer tube (see in particular figure 1).

With reference to Claim 1, Cline does not disclose two pumps, each of which is located between a respective mixer means and the nozzles. Moreover, Cline does not disclose two or more nozzles. With respect to Claim 5, there is no teaching or suggestion that a source of pressurized gas be used in addition to the pumps. With reference to Claim 23, Cline does not disclose a hood positioned in front of the nozzles.

Consequently, Cline does not cure the above noted deficiencies of Soldani and further does not teach or suggest the claimed subject matter.

Chouinard discloses a stent-graph-membrane and a method of making the same stated in very general terms. However, Chouinard does not disclose any details for a machine for producing a porous membrane for medical use.

That is, Chouinard does not cure the deficiencies of Soldani in the absence of the claimed two mixers and two pumps.. Further with respect to Claim 23, there is no teaching or suggestion of a hood in front of the nozzles. With respect to Claim 8, the holding that the oven disclosed in Chouinard is a teaching to combine a heating element with the remaining elements of the machine as claimed is strongly traversed. Such a combination ignores the limitations of the claims from which Claim 8 depends.

Clear differences exist between the present invention as claimed in claims 1 and 23 and the prior art relied upon such that the invention as claimed would not have been obvious over that art. Claims 2, 5 j- 15 and 24 are dependent directly or indirectly from Claims 1 or 23 and contain further limitations. These claims are allowable at least for the same reasons as Claims 1 and 23 and for those further limitations. Claims 11 and 22 have been indicated to be otherwise allowable. Claim 25 is Claim 11 rewritten into independent form.

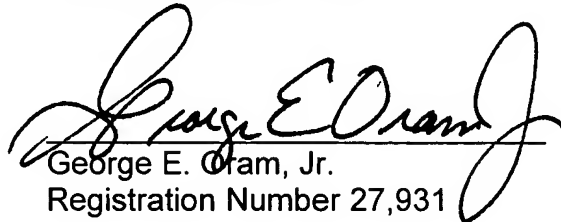
### **Conclusion**

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone

number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108043-00012.

Respectfully submitted,

  
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